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FM AMEMBASSY LONDON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8923
INFO RHEHNSC/NSC WASHDC IMMEDIATE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE

S E C R E T LONDON 001619

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E.O. 12958: DECL: 06/12/2018
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [PTER](#) [UK](#)
SUBJECT: TORY SHADOW HOME SECRETARY DAVID DAVIS RESIGNS
OVER 42 DETENTION PERIOD -- SAYS BROWN'S NEW BILL IS BREACH
OF BRITISH CIVIL LIBERTIES

REF: A. (A) LONDON 1577

[1](#)B. (B) LONDON 1607

Classified By: DCM Richard LeBaron for reasons 1.4 (b,d)

[1](#)1. (U) Conservative Party "Shadow" Home Secretary David Davis, and one time rival to David Cameron for the Conservative Party leadership, has unexpectedly resigned in protest of the House of Commons vote June 11 authorizing the detention without charge of British citizen and foreign terror suspects to 42 days. Davis made his announcement to the press outside of the House of Commons on June 12, prefacing his remarks by saying he had hoped to make them in the House but the Speaker's interpretation of House rules did not permit him to do so. Saying he was engaged in the "noble endeavor" of defending Britain's tradition of preserving civil liberties, Davis resigned his seat as a Member of Parliament, thus losing his position as Shadow Home Secretary. He said he would stand again for the same seat based on the single issue of his resistance to the extension of the pre-charge detention period which he said signaled the deep erosion of civil liberties in Britain. Davis intends his by-election to be a referendum on the future of civil liberties in the UK and said that, while he hoped to return as an elected MP, he was willing to risk his career to defend the principle of habeas corpus.

[1](#)2. (U) After Davis' resignation, Conservative Party leader David Cameron said he fully agreed with Davis' view that the 42 day detention without charge extension was abhorrent, that the party would support Davis' run for office in the by-election, and that Shadow Attorney General Dominic Grieve would be the new Shadow Home Secretary. The Liberal Democrats announced, after Davis' statement, that they would not run a candidate in the by-election after the party leader spoke with Davis.

[1](#)3. (C/NF) The move by Davis was unexpected and left much of Whitehall stunned. Senior Tory MPs told Poloff June 11 that they expected PM Gordon Brown would win the day and have his counterterrorism bill (with the 42 day extension) passed by the House of Commons. They also said Brown's victory "would be hollow" as the bill would be opposed in the House of Lords and challenged in the courts. Davis said as much in his resignation speech. He also posited that the Prime Minister could not overcome resistance from the House of Lords through the use of the Parliament Act (by which a PM can effectively "veto" a House of Lords decision that blocks legislation previewed in a government's election manifesto), arguing that the 42-day extension was not included in Brown's Labour Party manifesto and that therefore the Parliament Act could not then be invoked. Davis' maneuver changed the narrow focus from Brown's victory, combined with the story that one of his senior officials left highly classified documents on a public train, to Tory disarray.

[1](#)4. (S/NF) Comment: While the resignation made for some high

drama, the practical result is limited. It did bring to the fore that party disunity is not exclusive to Labor, and David Cameron will have his hands full maintaining Tory cohesion until the next national elections.

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